THE SUBJECTS LIBERTIE.

SET FORTH
IN THE ROYALL AND POLITIQUE POWER
OF

ENGLAND.

THE FIRST INTENT THAT MAKES A KING Is the Peoples Consent, Forteſc. cap. 13. *And it is as the effluxe of blood from the heart to the Head, and lives before it.*

THE
LAWS AS SINEWES UNITE ALL THE Members, and the Head can no more change them, then the head of a naturall body can alter the ligaments of all the Members.

The Regall Power is not righteous that is meerly
IMPERIALL.

Whereunto is Annexed.

SIX REASONS, TO PROVE THAT IT IS NO Treaſon, nor Rebellion to obey the Ordinances of Parliament, againſt the perſonall Commands of the King, bee they never ſo Royall or Regall.

With ſix Reaſons Obligatory, why the Powers in Parliament are to be obeyed, both by perſons departed, and all the people diſtracted. The firſt is, *Iudicium Regni.*

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PACEM POSSIMVS, NON NOVIMVS.

WE are all Petitioners for Peace, *Sed pacis viam non novimus*, but we are ignorant of the way, *Dum negando*, very Atheists, *Psal.* 14. 1. First by our deeds which are *abominable*, v. 1. 2. 3. *intellectu & affectu*, both by wit and will, we *neither understand, nor seek after God*. Secondly, by our devotion, *We call not upon him*, v. 4. Thirdly, our needlesse feares of the wicked where God is not, v. 5. Fourthly, Our contempt of the good and their Counsell, v. 6. *O that the Salvation of* Israel *were come out of* Sion, v. 7. It shall come *Rom.* 11. 26. After the Moneths of Apostacie, *Rev.* 11. 2. the worst part of our fulnesse, *Rom.* 11. 25. and ends with the testimony of the witnesses, v. 7. whose death shall reioyce the Papists, v. 10. but they shall revive, v. 11. and ruine *Rome*, v. 13. We see the War but know not the cause, desire Peace and destroy it: we must know the way to Peace which lies not in the *Throat*, where rottennesse and revenge are buried, nor the *Tongue* that speakes deceit, hiding the stinging poyson under lying *Lips*, nor the *Mouth* of malediction and bitter words, nor the *Feet* that are swift to shed blood. Wayes of destruction can never be the wayes of Peace, that is of our selves, but our helpe is in God, *Hos.* 13. 9. and the meanes a King and Judges, v. 10. when God gives them in mercy, and we aske them not to our hurt as we do when we Petition that they after their own wils may judge us, and fight our Battells. *Stulti dum vitant vitia in contraria currunt*, Fooles finde no helpe to be as the Nations The Sonnes of God sinne by the Daughters of men, and beauty is no blessing that is joyned with a Tyranny: faire women out of the Familie of God breed mighty men, *Nephilmi*, Apostates, *Gyants* of the Earth, *Gibbarata*, mighty on the Earth, *Gen.* 10. 8. not caring for Heaven, but to be Tyrants over men. I would but aske my Country-men, 5. Questions. First, do you know the *Royall* power of a King? Secondly, the *Politique* power of a Kingdome? Thirdly, your *Courts* of Justice? Fourthly, your high Court of *Parliament*? Fiftly, the *Laws* of your land? Regall power

began with *Cain*, and the Giants of the Earth ſprang by mixture and were men of renown *Gen.* 6. 4. and God forbid we ſhould ſo honour our Kings. We ſay their power is *Paternall* from *Adam*, and *Seth*, and the Patriarkes and quite fall out of the Families of the Godly, into the Families of *Cain*, and *Ham*, and raiſe up *Nimrods* for righteous powers. I tell you (Brethren) that in all the Bible God allowes no *Regall* power that is not *Politique*, that is, no Imperiall power to rule by the Civill Law, but the common Law of this Kingdome. It is ſaid, that it is *better to be ruled by a good King then a good Law*. If I ſhould ſay our King were bad, I ſhould be undutifull. If better he ſhould rule us then our Law, dangerous. I dare ſay neither, but wiſh you to know your Liberty. You are affraid to ſuffer by his perſonall Commands, and feare not to ſinne againſt his Authority. You are to ſubject to powers, and will reſiſt them to obey mens perſons, out of all Courts of Juſtice, and againſt all the Lawes of the Land. Your King tels you he will rule you by your Laws, and you ſubmit to his will, and you doe well, if you make it but one: but if you divide it, you cannot ſerve two Maſters, his will in his Parliament ſignified by his Writ, and the Act of continuance, & his will in the Camp that you ſhall obey nothing done by it. He may as well ſay, you are to diſobey all the Lawes and Courts of Juſtice, becauſe he will have it ſo.

THE SVPREME COVNCELL IS ABOVE THE KING, The Judgement of it above his; All Men are to Heare it, Not Him without it; To fear it, not Him againſt it: To follow it, not him in contradiction; Proved by the Law: Judgement, and Death, Deu 17.

HOOKERS *Policie* for Peace makes two wayes certaine, one *Nationall* within our ſelves, the other *Vniverſall* in all Nations. An example of the firſt is given by him, *Deut.* 17. 8. And of the ſecond, *Ibid.* 15. you ſhall finde it in his Preface to end the Civill Wars in the Church, which have produced this in the State, as the leſſer Wedges make way for the greater, to rive in pieces the ſtrongeſt Timber, or as the ſmall Pox precede the greater plagues, and if we

may

may believe the Astrologicall predictions, as the smaller conjunctions of the Planets, are prodromees to the greater, and *Gods* finger in *Heaven*, that small punishments shall end in the greatest judgments; and our Saviour saies, *there shall be Signes in Heaven to set forth his comming to judge the World*. In the sixt Seale, the punishment is painted out by Heavens mutation, *Rev.* 6. 12. & God may wel write his Judgments in Heaven: but in his Word wee shall never faile of his Truth, if we seeke it humbly; and my renowned Author, famous in our age, is alleadged by the Kings Pen-men, to their own disgrace, and answered by the Parliament, with words of truth and soberneſse. The *Anabaptists*, or the *Athenian Tyrants* to be charged upon a Court of thrice great Honour and Justice, is a calumny to bee detested, and so foule, as no Man ought at any time so much as to imagine so dishonourable a thing. *Hypocrites and a Faction of Schismatical, Malignant, and ambitious Persons* to be left in the Parliament to give it a being. are indignities that no English eare can indure. But that is materiall, that the two Houses left, have *a designe to alter the whole frame of Government both of Church and State*, and to prevent this, what is done? The Parliament must first be dissolved in Name, and then destroyed in being, and to doe both these, his Majestie must be drawne away, and then can it bee a Parliament without him? Having procured this, they make it a foundation of all their actions, and justifie them by his Royall presence. We shall not raile as they have done, but Reason by their owne Author, and make neither *Tragedie* nor *Comedie* out of him, but remember all of his peaceable wayes, not running to the King but his Councell, which is the *nationall* way to bring us peace in the Kingdome; and if we desire it in the church, it must be by a generall Councell, which wee have no meanes to call, and that which is called may quiet our Nation, as he saies, by a sentence of judiciall decision within ourselves, that may bee contradicted by no one man, nor all men out of this Councell. All that can be objected is, the King is not in it, and if he bee not, I freely yeeld it to be no *Parliament*, by this undeniable Argument. The *Parliament* consists of *three essentiall Members, the King, Lords, and Commons*. Take away any of these *three Estates*, and the vnion is broken and the solution of the Vnion is

the diſſolution of the whole. I doe not ſay every Solution is the diſſolution of the whole; for in bodies many members may bee cut off, and the whole preſerved, but the immediate eſſentiall Members that make the whole, or in the which the life conſiſteth, that Solution of them, is alwayes the diſſolution of the whole.

The Body and Soule are the Eſſentiall parts of a Man, and death is their diſſolution, not deſtruction; for the Soule remaines immortall, and man dies onely by the Solution of the union, not the parts united, by the Solution of the Spirits in the blood, not the Spirit that is held in the Body by them. But cut off the head of the Body, and the Body periſheth, but not ſo of an hand and finger. In the *Parliament* many Members may depart, yea the King himſelfe, yet being no more then a perſonall departure, the Eſſentiall members may remaine. I meane the *three Eſtates*, of two there can be no queſtion, for if the moſt of the *Lords* and *Commons* abſent themſelves, yet the *two Eſtates* may remaine in the reſt. All the difficultie is in the King, which is none at all in the termes, for as he is a *third Eſtate* he never dies but lives in ſucceſſion, and ſo in a King is a Naturall being, to die as a man: but his Office never dies, which under *God* is the greateſt, and it is to adminiſter juſtice, and is no more forfeitable then grantable by the King. He cannot deveſt himſelf of his Office, nor remove it from his Courts of Juſtice, to uſe it where he pleaſeth. *Publique Offices* may bee forfeited in the adminiſtration of Juſtice, and he that will not uſe it where he ſhould, may not uſe it where he would. His Majeſties *Mandamus* for the meeting of the *Parliament* is, *dictes die et loce*, and out of this place he may not adminiſter Juſtice in the matters ſpecified in the writ, of *doubts* and *dangers*. He may neither reſolue the doubts of Law nor Sate, or provide for the imminent dangers of the Kingdome, but by the Councel he hath called, and if there he will not perſonally adminiſter Juſtice, but either not uſe or miſ-uſe his Office, his Office is not grantable to any to make uſe of it out of this Court, but ſo farre is forfeitable, as to be uſed by them that are appointed to adminiſter Juſtice with him; For God forbid, his great Councell, for his miſ-uſer, or non-uſer of his Regall function, ſhould not have power by his Writ, to apply themſelves, by all lawfull meanes, for the ſecuring of him and his Kingdome. There

There be two undeniable Arguments of the Kings power in Parliament his Perſon removed. His own *Mandate* to call it, and his *own Act* to continue it, and if he will take no care of our *imminent danger*, they muſt, he hath called to doe it, and their *Ordinances* want not his power, for he can grant it to no other, as long as his *Writ*, and *Act* bindes him to his Office, which hee can no more take from this Court, then hee can from any other Court of Juſtice, where in Office he is alwaies preſent, wherefore he is in perſon. In the 7. *Rep.* 12. *a Calvins. C. The King is a Body Politique, leſt there ſhould be an* interrenum *for a Body Politique never dieth.* No Act of *Parliament* can be made, without the conſent of the Lords, which needs not include the Biſhops, being reſolved by the Judges, 7. *H.* 8. *Keilway*, that *the King may well hold his Parliament without them by his Temporall Lords, and Commons*, and therefore they are no eſſentiall part of the *Parliament*, which sheweth that not perſons but powers, and ſo there be *three*, it matters not how many perſons be abſent. But the King being perſonally abſent how can he conſent? I anſwer, there is a *taciti Conſent* in the power, and it is ſufficient to adminiſter Juſtice, and provide for dangers, and an explicite conſent is onely neceſſary to new Laws, and the reaſon is becauſe with their election by the people, his confirmation is required by his Oath. Firſt, to the Lawes made by his Progenitors, which hee ſweares to keepe in all his publique Judgements. Secondly, to thoſe Lawes that he grants and promiſeth to be made by himſelfe, as often as his people ſhall juſtly and reaſonably chuſe them, which out of *Parliament*, they cannot, and therefore conformation and corroboration expreſſeth the Kings conſent, as having no part in the Election of Lawes. From whence I gather, that the peoples Election at the firſt made the King, not to make them lawes, but to receive them from their people, and by them to protect them: but firſt they are to confirme them, and give them all the ſtrength they can; and if this any reaſonable plea in Parliament: the King is bound to grant no Laws but of meere grace, and that he never ſware at his Coronation to make lawes, as his Progenitors had done, but to keepe ſuch as they have made, and may be before the people made them Kings they made no Lawes, or if they did the people might make lawes without them

them, and bind them to keepe them: but first the people being a multitude of Men, associated by the co[illegible]mon right and utility make them an head upon [illegible] Laws that shall never be changed, which they call *legis terre*, [illegible] then agree upon a Councell to corroborate them, and so customes become Lawes, when the people choose them, and all Statutes are added to them as appendicies to give them further strength, and at all times (as necessity requireth) to adde to Fundamentals the constitution of such Lawes as may forbid things evill, and command whatsoever is good and conducing to publike good, and the Kings Office and Oath binds him to doe all these things, and if he will not, his people must protect themselves as they may, and in *Parliament* they have the greatest meanes, as being the great powers of the Kingdome, and to whom all are to obey for the time of the being, and the King can protect them no other way, nor procure their peace, as now I wil prove evidently upon Mr. *Hookers* ground.

You may read all his words in your Bibles, *Deut.* 17. *ver.* 8. to the 14. and he brings them for this purpose of peace, that *nature*, *Scripture*, & *experience* to end all contentions, submit to some judiciall and definitive sentence, which though it be not always *infallible*, yet must be *invitable*, effectuall, and strong, that no part by any pretence may refuse to stand unto: And he demands in the irksome strifes of the Church, what they will do that stand formerly divided in opinion from their Brethren? whether they will be content to referre their cause to any other higher judgment then their owne, or else intend to persist and proceed as they have begun, till themselves can be perswaded to condemn themselves? and concludes, if this be their determination, the others must be sorry that they should deserve to bee reckoned with such, of whom God himselfe pronounceth, *Rom.* 3. 17. *The way of peace they have not known.* Sectaries have long bin infamous in our Church, and shall they be such that submit to the Councell of the Kingdome. Who are the *Anabaptists* that talk of nothing but faith and the feare of God? If it were not for the King and honour of men of place, we might soon give them enough that are Delinquents, and according to the rule, *qui leges fugient fatentur facinus*, they that shall

shun the Lawes confesse their faults, which the King needs not to do, whose wrongs are done by others, that ought to answer for them, and who will partake with them that resist the way of peace, which to us is but one, and that is *Nationall*, lawfully called, and out of it no remedie of our bleeding miseries. God of all Nations chose but one, and before it had a King, gave it a Councell for all controversies, and set it above the King, commanding him to obey it, as may appeare by al that is said of him, which is to be over the people in the Throne, and in the Councell subject unto it, as may appeare by the *judgement*, not given to him but it, and all men commanded to *bear it*, *feare* to Rebell against it; and if any dare *presume* to do it, the same must die by the judgment of it, and if the King were capable to wrong, and his person under the Law, the same judgement that befalls other, might befall him, and two dangerous objections are made against him.

The first of *Blood*, and the second of *Blasphemie*. In shedding of blood the Law excepts no Man, and seducing to Idolls no Man must spare the seducer: but all the question is, who may execute the Iudgement? and it is agreed the Magistrate; and resolved that a *Tribe*, the *High Priest*, and *False Prophet* might be put to death by no other authority, but that of the great Councell: and some venture further, that the People being punished for the Idolatry of their Kings, was that they by the same Councell did not punish them; and when we say we have no example of such punishment, they answere that there is no example of the death of any private Man in the like kind; and many say, *pereat unus ne pereant omnes*, better one, then all perish.

But our Parliament presumes upon no such judgement, and our Bookes speake of both, they can doe no wrong; and the reasons are two. First, none is above them. Secondly, the King does nothing by himselfe to die for it, but they are to suffer death that doe the wrong, and as for the Parliament the Rule is good, *volenti non fit injuria*, they wrong themselves if they wrong us; and we have submitted our wils to theirs, to doe with us what they will, and their wills are best regulated, as freest from passions, and apt est for compassions; *Sympathie* & *Antipathy* beeing the best tryals of all mens natures, because *specificall* arising from such a quality as cannot be tained, *Psal.* 105. 25. there is [illegible] and naturall with the seed. *Gen.* 2. 15. God and the

Divell sow seeds into mens hearts, and they cannot dissemble them: where Christ is, he will bruise the erpents *head*, and the Devil will not spare his *heele*. They that strike at the Head of wickednesse are plaine, and they that seek to supplant like Serpents sting at the heele; and our Saviour saies, *that does truth, comes to the light*; and they that hate it, hide in darkenesse what they doe; and it shall ever be a rule to me, that they love not the law that want the light, *Isa.* 8. 20. Peepers and Mutterers have their familiar Spirits that wait upon them, and such *Wizzards*, will never be wise, *Dan.* 12. 10. for their *Sorceries*, suffer no repentance. *Rev.* 9. 21. The Christian World hath long bin under the woe of *Antichrist*, and *Mahomet*, and the one is the punishment of the other, and this Nation hath smarted under both as much as any other. *Antichrist* hath sent the most noble in our Kingdom to fight for the holy Land, with the *Saracens*, and recalled them to fight with the Saints, and yet in much mercy hath made them as Noble for the truth; and now they are slipped into a camp and Councell, contrary to the Kingdome, and that in such darkenesse, as the Devill will destroy us, if they returne not, where God and the King hath called them; and whatsoever they do out of that Councell, will condemn them by these three Reasons, of *Law*, *Iudgement*, and *Death*.

Law in the Supream Councell is the guide to all Courts, if the matter bee *too hard*, Deu. 17, 8. This Court shall shew thee the sentence of Iudgement, v. 9. and thou shalt obey it, v. 10. It must be according to the Law. v. 11. And he that presumeth to do the contrary, shal die to put away evill from the people, v. 12. that they may all heare, and fear, and do no more presumptuously. v. 13. This Court had power to declare, but not define the laws of this Kingdome. The politique power was under a Divine Dynasty, and *Moses* ruled not after his will but the will of God, and so was above this Court; and so were the *Iudges*. and some of the Kings, as *David* and *Solomon*, whose deeds make not for any absolute Regall power, as if all Kings might doe their own wills, as they did the will of God, and therefore by this High Court of Parliament in *Israel* we learne, who may define, and declare Laws alone, without a Councel, in a Councell, and from it. When one Man may deliver laws for all Men, he is either the Lord

Jesus Christ upon Mount *Sinai*, or in his Sanctuary, and we may receive them from no instruments but such as wee may bee assured come immediatly from *God*. The law-giver upon Mount *Sinai* spake out of the clouds to all the people, and they desired they might never heare the like, *Exo.* 20. 19. and *Moses exceedingly quaked* at the voyce, *Heb.* 12. 21. Thus came from God the *morall* Law, the foundation of their whole policie upon this, for Religion is built, the *Ceremoniall* Law given to Moses in a Cloud after *seven dayes* attendance upon the top of the Mount, his servant *Ioshua* waiting upon him, *Exo.* 24. 13. leaving *Aaron*, his two Sonnes and the seventie in the midst of the Mountaine, to whom God appeared to encourage them in the Government, whiles *Moses* was absent, *ver.* 11. 14. God laid not his hand upon them drawing nearer to him then the people, whom he meant to punish, if they had presumed to doe it before he permitted it, *Exod.* 19. 24. and any Man may now come up to his Judges if hee have just matter to move him thereunto: and it seemes the Judges were so moved from their pitched place, that they left it, and departed to the Camp to transgresse; as our Iudges doe that have forsaken the Parliament, upon the same reason that *Aaron* left his place, *Exod.* 32. 22. *the People are set on mischiefe*, a poore excuse, to make naked the Nation, and shed so much blood, which had never been spilt, if they had done their duties, that were charged with the over-sight of the people.

Moses is 40. dayes and nights in the thicke Cloud with God, and having heard all for the forme of Religion, receives the two Tables in *Saphire*, transparent as Heaven it selfe, and to be read on both sides, as lawes written twice over, *Exo.* 32. 15. These he shews the people in his hands, and because they had broken them, and unworthy of so glorious a Worke, he in true zeale breakes them before their faces, and punisheth their sinnes; and when he hath made an end, then God begins, and his Visitation continues in a perpetuall memory of their ingratitude, *ver.* 34. would God we would remember it, and to oppose the making of Lawes what a sin it is. The departure of *Aaron*, his Sonnes, and the 70 wrought all this misery, and all the work God had one for his people, lies broken in pieces at the foot of the Mountaine

taine, as almost all our Lawes doe, by the desertion of the Parliament. *Moses* their best Mediator makes their peace, and the Lawes goe on from *morall* and *Ceremoniall* to *Judiciall*, proportionable to both, and still *Moses* is the Messenger from the Great Law-giver to his people, till they make him weary of his life, *Numb.* 11. 15. Now as at the first, seventy are called to assist him, and he and they make this Councell, and remain after his death the meanes of the peoples good, *Judg.* 2. 7. *Ioshua.* and they keep the people from Idolatry, but when the great Councell perisheth, the people sinne, and are plagued, *vers.* 14. and yet in pity are helped by extraordinary Iudges, and of these the people are weary and will have a King, and *Saul* is given them for a scourge, *David* and *Solomon*, for a mercy, and so to good *Iehosaphat* we heare nothing of the great Councell, and he restores it, 2 *Chron.* 19. 8. All Courts were decayed, and Justice turned into injuries, and the people and Kings sinned together in their common oppressions. His Majesties Writ is *de Arduis*, and so was this Councell, of the hardest matters to declare what was Law, ours wanting extraordinary Men to give the lawes from God, we must receive both the lawes and the sense from our highest Iudges, who are to resolve all questions of doubts, and revenge all complaints of injuries. *Cities, Tribes, Princes, Prophets, Priests*, and *Kings*, were all to bee judged by the Supreme Court. Inferiour Courts might not judg a whole City, Tribe, Prince, false Prophet, High priest, or the highest, the King himself.

Kings presumed they might put to death whom they pleased, and in this *Saul* sinned greatly, 1 *Sam.* 22. 16. and his footmen feared to execute his bloody sentence upon the high priest, and above fourescore more of his House, *Thou and all thy fathers house shall die*, was Regall but most unrighteous, and none but *a cursed Doeg* would have done the deed, and *David* secures *Abiathar*, vers. 23. *feare not, with mee thou shalt be in safeguard.* Might *David* promise this to a Subject against *Saul*, and may not the Highest Court in the Kingdome protect the Subjects against the personall commands of the King? And the King said, *thou shalt surely die Abimilech.* The Words of a Tyrant; and David resisted not the law, but the wicked Vote of the king. *David* leaves the execution of Iustice to *Solomon*; 1 *Kin.* 2. 6. 9. Who

puts

puts many to death by his sole Authority: This is denyed by the Text, he did it not as a King, but as an extraordinary Man, as *Samuel* hewed *Agag* in pieces before *Saul*, 1 *Sam.* 15. 33. and *Elijah* all *Baals* prophets before *Ahab*, 1 *Kin.* 18. 40. Kings may not by their power, presume to practise ordinarily, what hath beene done extraordinarily. The Law is certaine, and the sentence of it belongs to appointed Judges, and the highest handled all matters of difficulty and danger: and the Kings Writ is such as expresseth what they may doe: First, *considerata negotiorum arduitate*, the hardest matters to be considered, exceeding the skill of inferiour Courts. Priests and Levites are not said to be the Judges, and it may be they were in the councell, as Judges are in the *Parliament*, to advise of the matters of the *Lord*, but not to judge who should die; or if they were as Judges, it was for their Tribes, for each Tribe was to send up Iugdes as to a Common Councell, and they say six were chosen out of each Tribe, which makes 72. and to satisfy each tribe in the equity of proceeding, the lot determined of two to be left out, and so much some think to be understood in those words, *Num.* 11. 26. *And they were of them that were written*, that is received by lots. *Moses* and the 70. made the Court, observed as negligently as our *Parliaments* have bin suffered to fall by the people; and *Iehosaphat* is the first we read of that established the decay of the Courts of Justice, which Warre destroyed, and peace maintaines; and it may be wondred that *Solomon* the prince of peace should neglect it: but he was an extraordinary man, and might rule, as ordinary kings could not, except they would be Tyrants, as all the kings of *Israel* were, and few Kings of *Iuda* did their duties.

Quæstiones super dubijs, doubts of lawes, *Querimoniæ super injurijs*, and complaints of wrongs, are the ordinary matters of all Courts; and none but the Highest can determine of all doubts and dangers. It is certaine by the words, *Deut.* 17. 8, that all things of peace and war: all controversies and corrections; whatsoever might fall out within the Gates of any City, might be brought to this great Chamber of hewen stone. *Amos* tels us what should be done to make God gracious to any Land, *Amos* 5. 15. *establish judgement in the Gate*: that is in every City; and because it was not observed, it was justly punished

nished, *Jer* 39. 3. by an enemy that did administer justice in the same, sending for the women of the Kings House to know where hee and his Princes were, *Ier.* 38. 22. who were departed by a *Vault to the Plaines of Jertcho*, where they are judged that would judge others. The least City had three *Iudges*, the greater, 23. and *Ierusalem* had three severall Courts. Two Iudgment Halls had each of them 23. Iudges a peice, the one at the door of the Court of the Sanctuary, the other at the Mountaine of the Temple, where Iudgement was asked; and if these Iudges knew it, they told it to them that asked; if not, they all came to the chamber of hewen Stone to the great *Synedrion*, and enquired, and alwaies rested in their Resolution. Warre was permitted to the king by his Councell, hee might make none without the advice of it, save with *Amaleck*, and the seven Nations that were by God designed to the sword. It's true *Ahab* was resolved by his prophets to make war, and against Gods warrant would make it, and *Zedikiah* would not be advised by *Jeremiah*, and little use was made of the great councel; and Kings given to their own wills walked after their own lusts, and the people petitioned after they knew the hard conditions of a King, that they would have him, 1 *Sam.* 18. 19. *Nevertheless the people refused to obey the voyce of Samuel, and they said, nay, but we will have a King over us: that wee may be like all the Nations, and that our King may judge us, and go before us, and fight our battels.*

This alteration of the established Goverment displeased God, and seeing they would not heare him, he heard them, *Hos.* 13. 9. 10. 11. *O Israel, thou hast destroyed thy selfe and this is one part of their* destruction that refused Gods Government, for one of their own never approved of God, if we examin the originall of meer Regall power begun by *Kain* before the flood, and *Nimrod* after it. In the *ten Patriarkes* the Goverment was paternall, and the Apostasie of Gods people from it, was, when the third Patriark was borne, whose name was *Enos*, the name of a miserable Man, to signifie the wickednesse of ungodly mixtures with Monsters in the World. *Kain* being cast out of the Church, as *Nimrod*, begins to build cities, and his sinne is seen in his seven Generations, and *Lamech* brags of his Tyranny, and

Enoch

Enoch the seaventh from *Adam* prophesieth of a *dart*, and gives his Sonne such a Name, *Methuselah, when he dieth the dart commeth*, and he lived the longest of all the patriarkes, and died the yeare before the Flood, which drowned all the Families of *Kain*, and those that became familiars with such Tyrants. *Nimrod* after the Floud began the like Tyranny. and Gods people will be as the Nations, for the judgement of one man, and his care of their Warre, clean contrary to the King and councell, *Deut*, 17. Where God unites the Royall and politique power together, and such is our Nation as *Fortescue* describes it through his whole Book, where the people are not ruled by the will of their Prince but the Laws of the Kingdome, and they that maintain a Regall power as our *Prelates* doe, are Enemies to our Kingdome, and take paternall power in the wrong sense, and from *Kain* and *Nimrod*, and the Apostasies of Gods people, raise up an Antichristian Government, of *two hornes* and *ten*, the remnants of Tyranny, and wee may be certain of it by *Hookers* two remedies of peace. No peace with *Rome*, if the *Pope* may rule above the Councels of the *Church*, and king and people may be sure never to see peace, if Royall power be placed over the politique, *Fortescue Chap. 9. If the Kings power over his People were Regall onely, then hee might change the lawes of his Realme, and charge his Subjects with Tallage and other burdens without their Consent, and such is the dominion that the Civill law, when they say, the Princes pleasure hath the force of a law.*

With Law we have judgement annexed, and the kings Oath is, *facis in omnibus judicijs tuis equam et rectam justitiam*. The rule of justice is the law, and execution is the right use of it. The Scripture tells us of the *judgement of the King*, 1 Sam. 8. and of the *judgement of the Kingdome*, 1 Sam. 10. 25. And this Judgement they referre to the King, and it is contrary to the other *accipiendo, disponendo, dande clamande, deo non exhibente*. He may not take his peoples inheritance, *Ezek.* 46. 18. He may not dispose of it as he pleaseth, give it to his Sons or Servants, but he must do it of his owne, and that too with limitation, that he wrong not his own Sons by giving ought to his Servants, but that after the Law to all heires it must returne in the Yeare of liberty. So carefull is God in the observation of just lawes, and wee see no Judge-

ment allowed the *King* in the administration of justice, but that which is publique and politique, both royall and righteous. His Majestie passeth his Royall displeasure against all that will not assist him in his present warre.

The Militia must have men and money, and he will command both by Regall Authority against that which is Politique, and ought to passe in some Court of Justice for good Judgement. His writ is, that imminent dangers are to be considered in Parliament. It may so fall out that time will not permit them to be considered, to whom then belongs their consideration? Doubtlesse to the King both in Parliament and out of it: upon this Reason: *qui tollit media tollit finem.* His Majesty cannot protect us without meanes, and therefore hee may raise them, but not in time of Parliament without it, both by his writ of Summance, and the Act of Continuance, and therefore the consideration of instant and extant dangers (for both are now) is not in the King, but his Councell, except he will contradict all that he hath done, and the expresse fundamentall lawes of his Kingdome, which never divides the Regall and politique power, and when he wants time to call his Parliament, *illud quod alias licitum non est, necessitas facti licitum et necessitas inducit privilegium, quod jure privatur* Bract. *fo.* 247. *a.* 10. *Rep. fol.* 61. *a.* That which is not lawfull is priviledged by necessity, and yet no longer till a Parliament may be called, and supply the want in the legall way.

But we have a Parliament, and the *King* rules as if there were none, as the Judges and Kings did in Israel, and such as usurped the way, as *Abimelech* and *Saul* were Tirants, and the murthers they committed confirmed them both, we know no waies to obey his Majesty, but according to his writ and Act of continuance, and the Parliament is necessitated to do that which it doth: and if we may not come into the Kings presence uncalled, neither will he reach out his golden Scepter, that we may live, *Est.* 4. 11. we must be content to run our hazard, not knowing how to obey his Royall and politique power divided, and as for death, we see it cannot be inflicted justly out of his Courts, and must say, *if we perish we perish*, if he will not pardon those that obey his Parliament, and fight against those that Rebell against it, and him,

THE CONVICTION OF CONSCIENCE BY Three Records, and six reasons, that it is no Treason nor Rebellion to obey the Ordinances of Parliament, against the Personall Commands of the King be they never so Royal or Regall.

The Records produced, *Mandato Dei, Regis, & Regni.*

GOds word condemnes the desire of meere Empire for Tyranny, 1 *Sam* 8. first by protestation, v. 9. secondly by the peoples right, *accipiet vestros*, v. 11. *vestra*, 14. the Kingdoms good *disponet sibi*, v. 12 fourthly, distributive Iustice, *Dabit servis*, v. 15. *Ezek.* 46. 18. See the place and know the sin, fiftly, the peoples prayers, *Calmabitis*, v. 18. sixtly, Gods mercy, *Nonexaudiam, ibid*, sixtly, the peoples sin, *renuerunt*, v. 19. seventhly, Petition, v. 20. of judgement, and war God never warranted, That a King should judge and make war after his own will, was never allowed by God, but both referred to his great Councell, *Deut.* 17. 8. eightly, God heares them that will not hear him, v. 22 but how is explained, *Hos.* 13. 10. 11. There is no text of Scripture that bids us to obey the person or will of any man, but the powers, *Rom.* 13. 1. naturall, as our Parents, *Exod.* 20. 12. customary, as Kings, 1 *Pet.* 2. 13 called the Ordinances of men invented for their good, and so farr wee are bound to pray for them, 1 *Tim.* 2. 2. 3. and so prayed primitive Christians *pro mora finis*, that Emperours might preserve the Church from the errors of Antichrist. Paul preserved himself from the rage of the Jewes by Nero, *Act.* 25. 10. and complained of wrong by his law, *Act.* 16. 37. Let but the King grant us the benefit of his Lawes, and he shall see his personall commands of no greater power then the practises of those that punished Paul and Silas, who prayed, and were preserved by the Magistrates, when they knew they had erred in their own laws, as his Majesty does in all those positions that are poysoned by the pens that write against the Parliament, which if I prove not, let me perish by the hand of justice: and so I come to his own records, and first I begin, *Mandato Regis, Mandamus quod considerat is dictorum negotiorum arduitate & periculis iminentibus, Cessante excusatione quacunque, dictis die & loco personaliter interfitis nobiscum*, We command you, that considering the greatnes of the busines and the imminent dan-

gers, *laying aside all excuse, you be personally with us the said day and place*. Sufficient Authority, urgent necessity, and present appearance of all persons makes a just and lawfull Parliament, endued with absolute power, and not to be dissolved by any departure: If we adde the third Record or act of Continuance against the which the King hath no power, nor any Court in the Kingdome: and whatsoever is done without it, about it, or against it, is void in law. Hear then poor people these poysoned positions penned in papers against the King, *Legis non habit vigorem; quod principi placet*, Bract. *fo.* 107. Gods Minister ought onely to do that which is right, and his will is of no force for a Law; because it ought to subscribe to the law, and not the law to it. See errors for arguments to move you.

There is Art in errors, and errors in arguments are armed with truth The king is to be obeyed, his life preserved, and his lawes observed, and by them both he and his people to be protected. His promises are to them that shal obey his personal commands in his camp against his highest Court condemned of Ordinances: as first that of the Militia, which devests his Majesty of his own power to protect his people Secondly, that of men and money to be laid upon them to protect themselves, Thirdly, to rebell against his personall commands. Fourthly, to kill him in his Army. Fiftly, to rule him and all his people by an Arbitrary government, sixtly, to change Religion, Seventhly, maintain Rebellion. Eightly, Commit his best Subjects. Ninthly, Commend and countenance his enemies. Lastly, keep him from his Parliament. I shall easily answer all these. The kings power to protect his people must be known, *what it is, where it is, and in whom it is*. What it is? No regall personall or private power, but a righteous, politique and publique power. In a word, not the judgement of the king meerly royall, imperiall and arbitrary: but the judgement of the kingdome. 1 *Sam.* 10. 25. legally, judicially and politically performed: Or yet more plainly, not the regall, personall and private judgement of the king, but the politique, publique and righteous judgment of the kingdome. Where it is? Not in the Camp and Cabinet of the king, but the High Court of Parliament, or the great Councell of the kingdome. In whom it is? Not in the Persons departed, but the three powers that

remain by the writ of Summance and Act of Continuance, for the persons departed against both, have no cause to call their powers after them, but are condemned by both as violaters of their own Acts, and therefore the businesse to be considered is left in trust with them, forsaken by the others, and it is not the Parliament but the King himselfe that divests himself of his own power, by his own Act and default, and having transferred his power to his Court, he may not recall it from them. Secondly, men and money, answer, but the imminent dangers the Parliament is to take care for, and most against them that are departed, and call as many as they can at home and abroad to Rebell against their own Authority, for out of Parliament they have none, and the royal power rebels against the politique, and the politique defends it where it ought to be, and resists it where no law can justifie it, thirdly, to rebell against the personall commands of the King is no Rebellion, but the resistance of wrong, and rebellion is properly against the Kings Authority, which defends the person, and the person cannot be safe without it, but casts it self wilfully into perill to perish with rebels against the care of the common protection. Fourthly, to kill the King is no good mans intention, and his Army is the Argument of the war, which being against his owne Authority, must be suppressed for his safety in his own body. Fifthly, the Parliament is Arbitrary government and what the three powers do is Judiciall in cases extraordinary, and ordinances need no other lawes then their owne powers. Sixthly, to change what is humane is no alteration of Religion. Seventhly, Rebellion is against the Parliament not by it. Eightly, they are not the best Subjects that reject the Parliament. Ninthly, they are not the Kingdomes enemies that fight for the Parliament. Lastly, the King is kept from the Parliament to protect them that fear it; as for his Majesties feares it cannot be in his Councell, where he and we all are safe.

SIX REASONS OBLIGATORY, WHY THE Powers in Parliament are to be obeyed, both by persons departed and all the People distracted. The first is,

JUDICIUM REGNI.

The judgement of the Kingdome.

Jothams parable of Trees, *Judg.* 9. 8. and the Kings vision of the same, *Dan.* 4. 10. is an heavenly instruction to us of this Kingdome. God is the planter of Monarchies, the Angels Watchers, Kings grow great by permission, the people happy when they flourish. Their faire leaves are their Shadowes, their Fruits the Peoples foode, their strength and height to heaven, a blessed helpe for habitations upon Earth. Beasts of the field finde shelters from heat, and Birds of the ayre nests in the Boughs for security, and all flesh fare the better. *Daniel* tells the King that he was the Tree, and that his *greatnesse was grown up to heaven, and his Dominions to the end of the Earth:* yet the Prophet wisheth what remaineth may not be to the king, but his enemies and the haters of his glory. A holy one watcheth the pride of kings, and humbleth them, that they may know that one is higher then they to cut them down to the stump of a tree, and Mercy is to leave them a root to grow again; and glory is to God, when Kings praise him and extoll his honour, as the King of heaven, saying, *all his works are truth, and his wayes Judgment, and those that walk in pride he is able to abase*, Dan. 4. 37. Malignants by derivation are an ill fire, and *Iotham* tells us what it shall doe by mutuall contention. He first propounds his Father, whose words are these: *I will not rule over you, neither shall my Son rule over you: the Lord shall rule over you*, Iudg. 8. 23. *Abimelech* will not be a Iudge, but a King and he begins with Murther, proceed to civill Warre, and ends in such a fire as devoures him and his people, for want of Lawes.

God hath distinguished Royall and Politique power and determined their right. Regall power is absolute and independent 1 *Sam.* 8. 9. 11. Politique, righteous, and by Law, 1 *Sam.* 10. 25. The first God protests against, and determines it for a punishment of His people,

when they requeſt it, and refuſe his rule in his Iudges, which are kings, but not abſolute in Power, for there is *Royall power*, or meere Empire, which God permits. *Politique power* and not Regall which God, approves in *Moſes*, and the *Iudges*. *Politique and Royall*, which he allowes in the Kings of *Iſrael*, and long before they were, layes down the form, *Deut.* 17. and the *Politique power* is preferred before the *Regall*, and the people are bound to the judgement of it, *verſ.* 8. 9. 10. 11. 12. 13. After the *Politique power* followes the *Royall*, v. 14. *limited*, v. 15. *prohibited*, v. 16. 17. *directed*, v. 18. 19. 20. A Royall Politique king is the beſt, and ſuch are all the kings of *England*, not Royall as Emperors that make their own Lawes, called the *Civill Lawes*, not becauſe they were politique, after the judgement of the Kingdome, but the king.

God governed his people by *Morall*, *Iudiciall*, and *Ceremoniall* lawes, Morall renewed by his own voyce, and written with his own finger in Tables of his own making, thought to be as the pavement, *Exod.* 24. 10. *Cleare as the body of heaven. Moſes* firſt receives the Ceremoniall Law in the Cloud of darkneſſe, where he is 40 dayes and nights: but the Morall Law delivered before, he receives laſt in glorious Tables of Stone, *Exod.* 31. 18. whiles God is making Lawes for his own worſhip, the people having forgotten what they heard, make a *Calfe*, and cauſe *Moſes* to appeare with the Tables written twiſe over, *Exod.* 32. 15. He ſhewes them the glorious worke of Gods own hands, and in a juſt anger caſts it at the foot of the Mountaine where they heard the Law, and now ſaw the hand of the higheſt, diſfigured by the hand of his Servant, as a punishment of his people, hard hearted & unworthy of ſo glorious a work, he makes them drink the powder of their own Calfe, and commanded the principall Idolaters to be ſlain by them that had any zeale for the Lord. God will write againe, but *Moſes* muſt take the Tables of courſer ſtone, the firſt was pretious, this penall, and to break their ſtout hearts the Law is charged upon them againe, and *the Gentiles that have it not, do the things contained in it*, Rom. 2. 14. and from this Law of nature proceed the Laws of all Nations, even the Civill Laws of Emperors, which have the greateſt errours in their own wills, and God hath noted downe in his

Booke when they were beſt. *Rev.* 6. 5. in the *balances* of juſtice, and by meaſure and weight had care of common right and we know this age had the beſt Lawyers, famous to this day, as *Vlpian* in the dayes of *Alexander Severus*. And I adde further, the Lawes of the *Medes* and *Perſians*, *Dan.* 6. 8. which no man might alter, no not the King himſelfe in the caſe of *Daniel*, v. 14. who notwithſtanding punished his accuſers with their own judgement. It is well knowne how theſe Laws were made by the *King* and his 7 *Councellours*. Ezr. 7. 14 Eſter. 1. 13. 14. law and judgement was in their hands, and what paſſed from them was not to be repealed by any other judgement. Whence they had this judgement the philoſopher tells us from the *Iewes*, Ier. 52. 25. 7 *men* that ſaw the face of the King, that is his chiefe Councellors, and *Daniel* is ſaid to teach this to the ſecond Monarchie, which made the kings thereof leſſe Royall and more politique, and ſure I am the Kings of *Iſrael* were tyed to their policie, and it ſeemes it followed in this of 7 *Councellours*, the very policie of heaven *Zech.* 4. 10. *Rev.* 1. 4. and 4. 5. I know theſe Spirits are taken for one perſon, which is an humane expoſition. I take them as the text doth for 7 *Spirits*, and 7 Spirits for 7 Angels. and 7 Angels for Arch-Angels, whereof *Michael* is one, and is not taken for Chriſt, *Dan* 10. 21. *and there is none that holdeth with me in theſe things, but Michael your Prince.* Here two perſons are ſpoken of, and he that ſpeaketh is *Chriſt*, v. 16. and *Michael* is ſpoken of, v. 13. Chriſt ſtands for his Church to withſtand Emperors, and great ones upon Earth: he findes none to help his people but ſuch ones as *Michael* and his traine, who is ever brought in as a warrier, and *Gabriel* as an Interpreter, which are all the proper names we have in the word of Angels, and in their diſtribution ſeven are often mentioned.

Now wee ſhall draw on to the ſtrength of our firſt Argument, our lawes come from the beſt Fountaines, the laws of God. Our *Leges terræ*, or common lawes are ſuch cuſtomes as nature and the Morall law allow of, and can admit no change. Secondly, our *Statuta Regni* are ſuch *judiciall* and *politique Laws*, as were in *Samuels Booke*, 1 Sam 10. 25. and *Gods Booke*, Deut 17. 18. 19. And for our Religion wee have rejected Traditions, and truſt to ſuch truſts as the written word affordeth

affordeth us and against this policie in Parliament the King hath no power, and is absolutly bound to use his *Royall power* according to that which is *politique*, and Divines have done amisse to meddle with mens Consciences, and by examples erronious to trouble the peace of the Kingdome teaching the *Royall power* to bee where it is not, in his person and not in his policie. Its true, Regall power is alwaies *personall* for the individuall Subject, as it can be in no other but the king: but it is not so *Legally* and *judicially* that the king may use it when and where he pleaseth, depart from his Parliament, and practise it in any part of his Kingdome. His *politique power* is onely in his Courts of Justice, and his Royall power is suspended out of them in the whole exercise of jurisdiction. That the Parliament is a *Court*, and the greatest in *England*, see 9 *Rep. Epist.* My Lord *Cooke* saith, it hath the appellation of *Magna Curia* Pl. com. fol. 388. *A Court of thrice great honour and Justice.* Bract. fo. 34. *Curiam superiorem*, God, the Law, and Parliament are above the king. *Fleat. a.* lib. 2. c. 2. *The King hath his Councell, in his Parliaments.* Cromp: in his Jurisdiction of Courts, *fo.* 1. *a.* begins with the Parliament as the highest. *Dyer fo.* 60. *a.* saies the same, and addes priviledges unto it above all the rest. *Law* intends the king to be present in all inferiour Courts, and can he be absent in this? and passe his own judgement out of it, as legally as if he were in it? He can do so in no other Court, and may he in this? *Tale judicium deligit honor Regis, cujus personam in judicio et judicando representant*, Bract. fo. 108. a. All Iudges representant the person of the king, and and if hee should deale with the meanest Court, as he does with this, we should have no law, but his own will. It's true that *Bracton* saies, *fo.* 55. *b. Sciendum*, &c. *We must know that the King hath ordinary jurisdiction, dignity and power, above all which are in his Kingdome: for he hath all the Lawes in his hand, which appertaine to the Crowne, and Lay-power, and the materiall Sword, which belongeth to the government of his Kingdome: he hath also Iustice, and Iudgement, which are jurisdictions, that by his jurisdiction as Gods Minister, he may give to every one, that which is his own. Those things that belong to jurisdiction and peace, or are annexed unto them, appertaine to none, but the Crowne and Royall Dignity, neither can they be severed from it, for that they make the*

Crowne it ſelfe. Theſe words blind our *Royalliſts*, but *Bracton* explains himſelfe, when he ſaith, *ad perſonas &c. They cannot be transferred to perſons, or Tenements, nor be poſſeſſed of any private perſon*, neither can the *King* by his own Act grant them out of his owne hands, or ſever them from his Crown, yet his Parliament may ſupply his default, and if he will not exerciſe his juriſdiction according to his lawes his *Parliament* may; and the *politique power* never dieth, and the *King* is bound to do nothing without it, that he cannot do in his inferior Courts, and his Royall power is nothing out of all his Courts. What Court dare controule the *Parliament?* and who are they that teach the *King* ſo to do? I beleeve no Iudges can check it, and Conſcience would teach them that the *King* ſhould not counter-mand them in any of their Courts to paſſe what judgement hee pleaſeth, and who then would wrong the *Royall power* as to ſet it at varience with the higheſt Court? *Pl. com fo. 246. b. 1. Rep. fo. 44. b. 5. Rep. fo. 55. b. The King can do no wrong, neither will his Prerogative be any warrant to him to doe injury to another*, and *Bracton*, fo. 107. *The King can do nothing upon Earth, ſeeing that he is Gods Miniſter and Vicar, but that onely which of right he ought to do, neither ought the Kings will, to have the force and vigour of a law.* Theſe rules of law cannot hold where the power is *abſolutely regall*, for it is plaine by the judgement of the king. 1 *Sam.* 8. that he may do wrong, and the people not complaine of it, that have ſubmitted themſelves unto it, and his will muſt be their law whatſoever it is: but where is the *judgement of the Kingdome*, that is the *politique power* of all Courts, the *King* can do no wrong but his care muſt be to know where the wrong is done, and to redreſſe them all by his *Parliament*, not by himſelfe, for that is ſtill to adde wrong to wrong, and load the Royall power with the judgements of God, and therefore no right can be done, as the king now proceedeth, and he may ſee by the petitions of all his Subjects, that they move him from royall power to that which is righteous, and it muſt needs be rebellion againſt both to divide them: and therefore we muſt either defend the Parliament, or royall power, or both. Both we cannot when they are oppoſite, both wee may when they agree in Parliament, and out of it they cannot agree, or out of any Court of juſtice; and I admire the kingdome ſees

her the liberty, but suffers *malignants* to make this fire betweene the *King* and his great Councell, and will not quench it with such waters, as may coole, not kindle strife: and to me the judgement is easie, if we will not be without it in so cleare a case.

OFFICIVM REGIS.

Or The Duty of a KING.

COurt flatterers, tell the people of Acts of Grace, as our Saviour tells his Apostles of worldly Potentates, that whatsoever they do, be it right or wrong, all men must count them gracious Lords, and Graces may be from them as good men, and they may merit well, as all worthy men do that serve their Kingdomes. The Parliament and people in all their Petitions acknowledge many Acts of Grace, and it becomes the peoples mouths very well to praise their kings, but if no prayers wil move him to return to the place where he may continue his gracious Acts, they will be so farre from Graces, that they may say of them, as we do of works of Super-errogation, they come short of the Law, and so farre from merit, that their demerit will undoe us, for what shall we be the better for a Gracious king, if ungracious men may keep us from him, and make him War for them against his best Subjects, for if they be not the best that maintaine the Parliament (I mean the highest politique power in the Kingdom) I know not who are, Royallists may be Rebells, as well as Royall power Tyranny, and both may be resisted without fear of damnation, so a lawfull politique power command it. Private persons may not resist an usurped power, and if God no where allow that which is *Royall*, then his Majesty may not claime it, but thinke himselfe more happy, that hee holds such a *Royall power* as is mixed with the *Politique power* of his Kingdome, for he hath the lesse to answere for, and may crave pardon of God for the errours of others which he hath trusted, and triumph in his Parliament for the discovery of them, and their ready helpe to give remedies to all wrongs, and right to all that suffer them. We complaine of exactions, as extortions, where they cannot bee. The Parliament would not call for a penny to inrich it selfe. Not a person but hath

spent more of his estate to do others good, then many have done, they desire may have the profit. To answer the petition of Right, all that can be said is this, that the King will never extract one penny more for himselfe, but his people; and now in a time of *Parl.* By his Commission of *Array* any thing is taken from his people without their consent, which in Parliament might lawfully bee had: And in many papers the Parliament is accused of wrong, to use their right to require the least of others, and raise the most out of their own estates to save all mens. O ingratitude! and unspeakable shame, and no waies excusable but by reproaches of the best deserving men. warres are begun to know who may make them, & they for whom they should be made, are parted to fight against themselves, for whether they fight against the king or the Parliament, they Warre against themselves. Take truely what we have said, and see where justice resides. Divide the *Royall power* from the *Politique*, and you fight for a Tyranny, which when the King understands he will have small cause to thanke them that have carried him from his *Parliament*. To make War upon the *politique power* of any Kingdome is unjust, and hee is no good Subject that will not stand up to preserve it to the losse of all he hath, and his own life. To fight for the king is every mans duty, but take heed how you fight for *Royall power* that destroyes the policies of Kingdomes; and I dare say it had been better for them to die in Parliament, that are departed, then to take up armes and die in fight against it; and the King shall never discharge his Office, till hee returne to performe it where he left it.

SACRAMENTVM SVPER ALTARE PRÆSTITVM CORAM CVNCTIS.

THe kings oath hath relation to peace & concord, as the end, and all the rest as the means, as judgments, justice, discretion, mercy, truth laws, and Customes, Judgements universall, even righteousnes, good discretion, tender mercy, approved Truth, just Lawes, received Customes. These the king must keep, cause to be kept, granting and permitting to the people their election in the two last, which is not of what they have chosen but shall choose justly and reasonably: For

as the King is bound to the things asked, so to what may be justly added at any time, and so pronounced, he is obliged by his oath to observe. All the World may wonder at the way preachers have taken to set at oddes the Oath of the King and his people. The Oath of Supremacy is to Diuines deceived, or deceiving, an inherent power in the person of the king, without, above against all his Courts, the high Court of Parliament not excepted: nay least to be regarded, and all this by setting the Royall power against the politique. Can they shew in the Civill Law, that Emperours tooke any such Oath, as to keepe, protect, and confirme Lawes and Customes chosen by their people? Or that they had Parliaments of equall powers to binde all persons, even kings themselves; to doe nothing in a private capacity, but all in Courts of Iustice. I shall marshall both Oathes together. The kings Oath is to doe justice, by his Iudges, in all Courts to all his people, in all causes, whether they concerne Questions of doubts in law, or complaints of injuries done to any. The people sweare to the kings Supremacy in all causes, over all persons, not over all Courts, or collective bodies; for in them he is onely Supreme; as they handle all causes, not in his Royall power to be over them, as he is over the persons of men: but in them, as they handle all mens causes.

We do not say the king is over all causes Supreme, for that indeed were as Divines say, that the kings Supremacy is a power inherent in his person, to do any thing by his own authority, without the authority of any Court, which is contrary to Royall and Politique power, and wholly imperiall and Tyrannicall, condemned and protested against by the Almighty, 1 *Sam.* 8, 9. and forced upon us by the damnable doctrine of Malignant, or mistaken divines, who are to be accursed by the King and People to make them both perjured, and to perish in a bloody Warre; for if Royall power be over all Causes as well as persons: Bid adue to all Courts of justice and the Parliament especially; for to speak properly the Kings Supremacy in onely in his high Court of Parliament, as may appeare by these Reasons. First, all appeales are made unto it. Secondly, all Repeales are made by it. Thirdly, all Lawes proceed from it. Fourthly, are Declared by it. Fifthly, Revived at the discretion thereof. Sixtly, by this way alone we may

appeale from *Cesar* to *Cesar*, and by *Cesar* against *Cesar* reverse any judgement; that is from *Cesar* in all inferiour Courts we may appeal to *Cesar* in his Parliament: and by *Cesar* in one Parliament, reverse the judgement of *Cesar* in another. And therefore returne (Gracious King) to your Parliament, for your Supremacy is not above it, but in it: and wrong you have none, thus to be limited in all Causes, and enlarged over all persons.

ACTS OF GRACE AND DVTY
Distinguished in doing of GOOD.

THere be many that make all new lawes, Acts of Grace, and the very being of a Parliament the free goodnes of a King, and Continuance, his meritorious kindnes, a Body called at pleasure, and dissolvable at pleasure. A matter of no trust reposed in the Royal power, but a prerogative transcendent, and remedie without right challenged by the people, be their exigence never so great. We may wonder at two expresse Statutes to call every yeare a Parliament, and ofther if need required; and to be dismissed when all petitions and grievances were heard and redressed, and yet no common right. By this reason all the Courts of justice might be shut up, and judgement administred when and where the king pleaseth, which makes still for *Royall power*, against that which is Politique. We know there be acts of grace to grant many things more then are required by Oath. 2 *H.* 5. The Commons confesse some petitions were as the King pleased, as to part with his own right, & proper interest in all matters of distributive justice, concerning such persons as may be honoured, pardoned, punished, preferred, and that without prejudice to others or common good. Againe many things are propounded to the King by writing, Words not weighed with that consideration, that Bills are concerning common good passed by both houses. In the former many things may bee requested of different natures, and some of them such, as may be denied, But when things just and reasonable have been chosen, the Kings Oath is to grant them, or the words are senceless that run thus, *Ac de faciendo per ipsum dominum Regem eius esse protegendum et ad honorem Dei corroborandas*

vaborandas quas vulgus juste & rationabiliter elegerit juxta vires ejusdem domini regis. All this is done at the Coronation of the King, expreſſing two elections, one formal of what is, for it were foolish when the King is ſworne, to ask conſent, if it were not meerly for confirmation. The other is reall, and to be done as often as the King shall call his people into Councell, to make choice of their laws and cuſtomes, which in the ſence of the times paſt were frivolous; that the king calls a Councell to know his peoples mind of what they have done, and not what they will do. This were meere mockery, for the king to ſwear the people shall have the laws they have choſen, but if they will chooſe any moe at their meeting meere grace muſt grant them. If the Oath thus look back to the ages preceding the firſt adminiſtration of it, it may exclude all lawes; for it may be ſome kings have taken it before any Statutes were made, and may be before *Magna Charta*. Sure I am many kings have taken it ſince their Anceſtors made Laws, and if every king at his Coronation ſwear only to the laws made, then have the kings that have made laws ſince the firſt that have made any done workes of ſupererrogation, and ſince the firſt Parliament that made any laws, all the reſt have ſuper-abounded in the graces of their kings, and graces become duties in the next king, and if he will do any thing, he shall bind his Succeſſour, but be free himſelf to do what he liſt, when the truth is, all kings are bound alike to promote the common good of their people, and if particular perſons be benefited by them, they owe thanks to the whole Parliament and the king, more eſpecially parting with any part of his right, is moſt to be thanked.

THE ACTIONS OF PEACE AND WARRE, How farre the Kings Right.

TO whom belongs the end, to him pertain all the meanes, and the *Militia* is a matter no more ſtood upon then the laws that order it; and the Bill to have it ſo ordered is no more, and of what power can it deveſt the King to give it legally, but he hath it without law, as inherent in his perſon, grant him this and make him a Tyrant, 1 Sam. 8. 20 in the ſame manner a King may make his peoples warres, as he may

judge them, and who knows not this judgement protested against by God, and that all was not commanded by God, was permitted by his great Councell. I wonder the King should speak of a Commission of Array by Law, and assume it by Royall power, if it be a personal right and meerly Regall, it needs not stand by the politique power of the Parliament, and if it stand by that, why will his Majesty maintain it against the Parliament, and not suffer himself to enjoy it legally, and be assisted in the protection of all his good Subjects in their persons and estates, according to law.

THE IRASCIBLE AND CONCVPISCIBLE *Passions of A KING Ordered.*

PAssions are stronger in Persons then Powers, and the word commands subjection to the one, and commands all men to rule the others. Powers cannot be ruled, Passions may. The anger of a King is ruled by wisedome, and wise mens hearts discern both time and judgment. Eccl. 8. 5. to every purpose is time and judgement, and therefore much misery, not from discretion, but unruly passion. Give every thing its just interpretation, and wee shall need to fear no faces when they frown upon us. The Oath of God binds every Subject to keep the Kings Commandement, which he may do when he is deemed to do the contrary, and shall not need to make hast out of his sight, that face shall shine and change for the better that boldly holds out in well doing. We must not stand in any evill, for so we may suffer his just displeasure that hath dominion over us. *Where the word of a King is, there is power: and who may say unto him what doest thou? Who so keepeth the commandement shall feel no evill. Rulers are not a terrour to good works, but to the evill;* &c. And therefore I Counsell all men to be carefull of what they are justly commanded, and feare not words that want warrant. Kings are men, and have their passions, and must have time to digest them and return where they should be, and happy shall they be when they understand their powers aright.

Wee have waded through a most wearisome way, clogged with clamours as the thickest clay, or as clouds of dust that blinds every

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mans eyes, and the more we stir; the more wee striue to choak our selves, and it were happy we were out of the way in some other kingdome to seek our own peace, if the Parliament may not make it. *The assembly was confused*, Acts 19. 32. and the major part knew not why they met, such assemblies there be too many where multitudes meet, can any man rejoyce that tumults turned the King from his Councell, and now I hear men rejoyce that they hope the like tumults, will turn the Councell out of the kingdome: And if we lose both, where shall our happines be? The best desire both may meet, and except that be, we are like to expect greater tumults to take all from us. We should see better betwixt parties, if we our selves would not be parties. The beauty of Truth is her nakednesse, and therefore she seeks no corners, but falshood is ugly, and therefore like ill complexions useth Varnish. The Parliament paints not, but is plain, and they that have erred, seek colours upon their Causes to contend with truth it self, Dissimulation is like the optike vertue in the eye, that being hid under certain veiles and Filmes, sees and is not seen. I cannot beleeve that they that excuse themselves of dutie in Parliament by desertion, do not understand that they are more driven away by inward feare then outward force, and therefore by force seek to remove their feares, Prudence is of force where force prevailes not, and in all actions justice ought to be one of the Quorum. I cannot perceive the Parliament in any thing to have deflected from Justice or discretion. The worst that is said of it is, that they ask for the twentieth part of his estate, that will not allow nothing for his own protection, and may be allowes more for the Kingdomes destruction. In the war between the Elephant and the Dragon the one clasping with his tail the feet of the other, causeth him to fall, but in falling bursts the other in peeces. So ambition and envie grapple together, and envie entangleth the winged feet of Ambition, makes him fall, and in falling bursts himself. The Parliament is exceedingly condemned for ambition, and sure I am it is done by envie that would be above it, which may catch at it, and if it cast it down, it will not be the ruine of Ambition, but the Kingdomes protection. Faction and Ambition, Treason and Rebellion, Fraud and force, Violation of laws, oppression of the people, prophanation of Religion, Invasion

of all mens Rights, as Royall Prerogatives, priviledges of Parliament, properties of goods, liberties of Subjects, and to take up all reproaches, *Atheists*, *Papists*, *Brownists*, *Separatists*, *Murtherers*, *Machievilians*, *Miscreants*, *Monsters*, and without Method, the heap of any thing to make them hainous and horrible, we hate and hold for enemies. The Ethiopian Veale hath two homes of a cubite long, which he can in fight move as he list, forward to offend, or backward to defend, or for both uses at once. The King saies he defends himselfe, the Parliament say the same, and who saies not with the Apostle, *who is offended and I burn not?* 2 Cor. 11. 29. *I lie not*, we are kept in with Garisons, and happy is he that hath means to escape from his own Neighbours. The sun shineth brightest through a vapor dispersed, and vertue shews her best lustre upon an encounter: and my prayer shall be that once more our Land may enjoy her departed glory. Zaleucus made a law that an Adulterer should lose both his eyes. His onely Son committed the fault, and so severe he was to the sin, that he would have the Law executed upon his own child. Yet that the people might not have a blind King after him, he caused his son to lose one of his eyes, and he himself would lose the other, lest his Subjects should say he was partiall. I shall wish no such judgement to any; my desire is wee had both our eyes to see equally our offences. Men are in the Parliament that know themselves to be no Gods, and yet to think otherwise of them then good Men, I cannot. But whatsoever they are, they deserve better then Devils, *Jude. vtr.* 9 and if Michael the Warrier of Heaven in striving for the body of Moses, durst bring no raylling accusation, but make good his disputation, with *the Lord rebuke thee*, I speaking of dignities and dominions, know my duty and dispute fairly the Question. The Delphin finding himself unable to hurt the Crocodile by reason of his hard Scales which no weapon can pierce, dives under the water, and pricks through his belly. My Tide was the conviction of Consciences which is the tendrest part we have, and is the likest to speak to every man. Goe therefore Conscience and tell the King that he hath left his power in the Parliament, and does amisse to set his person against it. Tell his Lords they have left their standing to withstand their best friend. Spare not the departed Commons that

haye betrayed their Truſt, and tell them one day how thou wilt give it in as an Item againſt them, and Faith their friend will then want a Teſtimony that faithleſſe to men, will argue them not ſo faithfull to God, as they ſhould have bin in their greateſt Office. Go to the people that ſent them to the Parliament, and ask them why they defend them in gathering forces againſt it? If they ſay for the King, ask them again where his power is? If they ſay in his Perſon by Royall commands againſt his politique power. Aske them againe what word of God have they for meer Empyre, and to obey perſonall commands out of all Courts of Juſtice? What is become of the Kings Writ? What of an Act of Parliament? If they ſtand good for the Parliament, it is in full force where they left it, and ſo are all the ordinances of it, as long as it is a Court, and when it ceaſeth, the Ordinances end, untill the which time we muſt obey, and reſiſt all perſonall Commands whatſoever.

PEACE AND WARRE ARE IN THE HAND Of the KING.

Omnia jura ſunt in manu Regis. Ezr. 7. 26.

Whoſoever will not do the Law of thy God, and the law of the King, let Judgement be executed ſpeedily upon him, whether it bee unto death or to Baniſhment, or confiſcation of Goods, or to Impriſonment.

EZRA concludes with bleſſing, that the Kings heart was for God, *ver.* 27. And mercy to him from the Authour and ſo many inſtruments, as the king, his Councellors, and princes, *ver.* 28. The king received a forme of Government from his Anceſtors, ſuch as the Nations were never under before, and of all formes it came next to the divine patterne, for God himſelfe *Rules by ſeaven Spirits which are before his Throne. Rev.* 1. 4. and 4. 5. called *ſeaven eyes. Zech.* 4. 10. not to informe the Almighty, but to bee his Witneſſes, and wiſe workers of all his Councells. This was derived to his people, *Iſa.* 52. 25. and by *Dan.* to *Cyrus* who *ſhewed him his name in Gods* Book, with his great Office to be Gods *Shepheard, Iſa.* 44. 28. & 45. 1. almoſt 200 yeares before he was borne, which cauſed ſuch admiration in the

Emperour

Emperour, that he learned many Divine things from Gods *Prophets*, and this was one to select seven Councellours to direct him in all his affaires, which continued to the dayes of *Ezra*. Chap. 7. 14. 15. And *Artaxerxes* with his seven Councellors following the steps of *Cyrus* and *Darius Nothus*, honoured the God of Heaven more then any had done before them, being pagans: So happy is it for the kings to learn from God, and to have his law go before theirs as you see in the Text, and when there is such a conjunction, judgement is seasonable upon all Offenders. *Booker* speakes wonders from the Starres, and from the States of this world, and find Christians the worst, God saies *Nebuchadnezzar* is his Servant, *Cyrus* his Shepheard, but of *Alexander* and *Cæsar* he saies nothing that is good, for in the empire of the one sprung up *Antioch* in his broken kingdome, and in the Empire of the other *Antichrist*, a Beast with two Hornes, ruling a Beast with ten, which are the kings that have been from *Augustulus* to this day, and kings shall find it difficult to do any good that are entangled with the two hornes, and except they break them, they shall never be at peace with their Subjects, *Booker* is busie with the Bishops, and by their dissentions brings in our Civill warres, saying divisions in the Church, cause distractions in the State: and I pray God that may be true, that *Astra* and *Castra* our Camps and constellations may prognostick any good unto us, and that the great conjunction of *Saturne* and *Iupiter*, on thursday the 16 of *February* at 17 Min. past 4. of the Clocke in the morning, 1643. may produce *Alsteds* conjecture, *Hujus conjunctionis ignis consumet omnes Scorias et fæces Vrbis Romæ*; to the which I adde mine, that the Resurrection and assention of the *two witnesses* shall bee the ruine of *Rom*, *Revel* 11. 13. of this we may be assured: and I can say as much of the rest as *Booker* hath done, that *Mars* is up in Armes, not from the Starres but the Devills in Hell, that have raised up the Beast of the bottomlesse pit to make his last war with the *two witnesses ver.* 7. who must overcome them, and kill them and their bodies must lie unburied, *ver.* 8. because dissentions will not suffer it, *ver.* 9. and traith will prevaile to rise out of them and above them.

NApper learned in the Revelation, hath obſerved times revolution, and queſtionleſſe we are upon ſome ſtrange point and period of time, as a Book in time, upon one Chapter, containing the ſum of the Apocalips may explaine, in the mean time let every man mind his duty, and wait upon his Office. *He that teacheth on teaching, and he that ruleth let him do it with diligence*, Rom. 12. 8. *above all, let love be without diſſimulation, abhorr that which is evill, cleave to that which is good.* Wee have begun well to ſpeake of peace, for now warr will teach us how good a thing it is, *Militia* was firſt thought of to prepare for Enemies, and prevent them in *England* by a timely reſiſtance of them in *Ireland*, but the thought of warres againſt enemies, hath bred a warre amongſt friends, and from the argument of a juſt warre by whom it is to be made, we are fallen into warr it ſelfe, and that which is the worſt, have argued our ſelves into a Civill Warre that no wiſedom could prevent: for if we deney our principles the building muſt needs fall. *Debile fundamentum fallit opus*, if the founndation be falſe we muſt feare our ruine, and many workmen have bin about to mend it, but under-propping will not keepe it up, and the diviſion of the labourers decay the frame, becauſe they are not firme in one reſolution what our Kingdome is, a meere or mixt Empire, and till wee know this errour, we ſhall not know that we have a Parliament, or if wee doe. We thinke we may be ſupported without it, and that Royall authority is ſufficient to rule us. We will begin with it. *Forteſcue of the Lawes of England, Chap.* 13. out of *St Auguſtine* tells us the beginning of a Kingdome, or people. It is *a multitude of men aſſociated by the conſent of Law, and communion of Wealth. Acephalus* a headleſſe people, not worthy the name of a Body politique: and therefore as in the naturall body the head cut off the reſt is but a Trunke; ſo is it in the commonalty as corps no corporation: therefore *Ariſtole* teacheth, where one is made of many, one muſt be the *Ruler*, and the reſt *ruled*: and he that is ſo called a king. The Embrion begins the naturall body

in all the liniaments, and the heart is the first that liveth, and by vitall blood quickens all the Members: so in the politique, the peoples Intent is the first living thing, and gives life to the head, the Lawes as sinewes bind the bones and bodies of Men together, which of strong become weake, when they shrink or are stretched out of compasse. *Lex a ligando* or *legendo*, the law hath its notation from *binding* or *reading*, for if we know our strength aright, the Law must both give it us, and lead us unto it. The Head cannot change the sinews, or displace them but the Members will lose their functions, and by dislocation be lamed: and therefore the head cannot with-hold from the members their peculiar powers, or change them against their wills; for if hee doe, they know where their strength lieth, in their Lawes, and though in the naturall body all the Sinewes spring from the head; yet they do not so in the Politique: for as the Learned Lawyer saies, *Potestatem a populo effluxam ipse habet, quo ei non licet potestate alia suo populo dominari*, the King receves his power from his people, and can rule them by no other power.

England out of the retinue of *Troyanes* brought with *Brutus*, grew to a politique and Regall Dominion, and *Scotland* as a Dukedome subject to *England*, advanced it selfe into the like Government. The *Egiptian* kings lived not at the first after the licentious manner of other Rulers, whose pleasures were their Lawes, but as private persons were themselves subject to Lawes, being perswaded that they were the best wayes to be blessed; and they that followed their owne lusts liued in perpetuall perills and dangers to destroy one another. Of the *Ethiopian* king he saith, he did all things after the custome of his Country, and so did the king of *Saba* in *Arabia* the happy, and so did all kings that were honoured of old. I said the two last Monarchies are most blamed, and that of the Romans begins thus, the king shall do according to his will, *Dan.* 11. 26. *Antiochus* brought to nought, v. 35. a worse begins, and mends not to the last. and if kings did not seek their own wills of others worse then themselves, they should never be counted for hurtfull hornes. It would be no difficulty to dash these present Warres, if our Books or Law might determine our case. *Ea quæ pacis sunt, Ea quæ belli sunt*, must needs go together, and they

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can appertaine to none, but the Crown and Royall Dignity, neither can they bee ſerved from it, for that they make the Crowne it ſelfe; and to this the Parliament conſenteth in the Remonſtrance, Nov. 2. 1642. ſo clearely that I wonder any contention ſhould bee about it, except the bottomles pit make it, that blames and blacks al with infamie: leaſt Hall ſhould appeare to be where it is. The Militia is granted to the king, as all Lawes are from the people, *poteſtas a populo effluxa*, the king hath a power received from the people, as the head receives bloud from the heart and cannot live without it. The head is a fountaine as well as the heart, and ſhould be the colder in well tempered Spirits. The blood begins at the liver, and is refined in the heart, tempered in the head, and by the ſinewes give ſenſe and motion. So the king is *fons juſtitiæ*, that the luſts of the people might not bee left to an Arbitrary, iraſcible, and concupiſcible commotion. *Si non eſſe qui juſtitiam faceret, pax de facili poteſt exterminari, if there were not one to do juſtice, peace might eaſily be extermined. Sciendum quod ipſe Rex et non alius, &c.* Wee muſt know that the King, and no other is bound by oath to do Juſtice, *Sed ſi non ſufficiat, ut levior ſit illi labor &c.* but if he bee not able to make his labour the lighter hee hath his helpers, and to returne to the parliament and the Bill for the Militia. All are agreed for a poſture of defence petitioned by the people, where the firſt motion begins of feare in the heart, *et tulis eſt qui cadare poteſt in virum conſtante*, ſuch as may befall a conſtant man, and therfore the people moved not without cauſe the commune incendium, the common calamity begun in *Ireland*. This was ground enough to affect the king, and his Councell: but it wrought contrary effects, for the Parliament made it the motive to their Ordinance, and the King controules it with a Commiſſion of Array, intending to fall out with his Parliament by ill Councell: for of himſelfe hee could not, beeing bound in ſo weighty a matter to conſult with ſome Councell, and hee muſt needs erre to leave the Great one for a Cabinet convention, it being againſt his own Writ and Act of Continuance of a grand councell to advice, and Court to conclude what ſhould be done, and to do that by private adviſe which hath drawn on this Warre. All the queſtion between the king and his Councell was of the way, who ſhould

be truſted, no wayes queſtioning the Kings right of a Militia belonging to him, but others in whoſe hands it ſhould be repoſed, and ſo we ſhall ſtate the queſtion in right termes.

WHETHER THE MILITIA BE WHOLY IN The Kings Perſon to diſpoſe of at pleaſure.

WE have ſaid out of *Bracton*, that all rights are in the hands of the king, and that he is the fountain of Iuſtice, and out of *Forteſcue*, that he is a head of royall and politique power, received from the people, who have by Laws conſented unto him, which he can no more change, then the naturall head can the ſinewes that unite it with the Members: and as the people have their proper powers, and proper ſubſtance, ſo the king may neither uſe them nor command them againſt their wills and conſents, and therefore having yeelded themſelves wholly to his Councell, lawfully called by him, and continued in his name, they cannot yeeld to both, if they be divided, and the one will Warre one way, and the other another, whereby both are ſure to go by the worſt: It is wiſedome in the people to know what they have to do, for without them neither can fight: and if they fight the one ſide muſt be Rebellion, and who ſhall determine it? The King ſaies he will be Iudges of the time when, the cauſe why, the manner how, and that in his own perſon out of his Courts. Grant him this, and where is Law or Liberty? Let us turne Turkes if this be true, and kill our ſelues if the King will have it ſo, and fight one with another if he hold but up his finger. All the Parliament requeſted in their Bill concerning the Militia was this that the power of it might by his Majeſty bee put into the hands of ſuch perſons as Hee and both Houſes ſhould approve of, and truly if they had requeſted leſſe, they ſhould not have diſcharged their duties: and to ſpeak truely it appeares what the Commiſſion of Array is: for durſt any perſon meddle with it at the Kings command, if hee were not aſſured the king had power enough to keep him from the tryall of the Parliament? and grant this, and every Subject ſlave to Souldiers, as in *France*, that eat up the people at their own charges without any recompence, and where there

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is no remedie there is no right. Courts of Justice may call them to an account for not doing what they ought to doe, or doeing what they should not have done, or missing the manner to the great prejudice of the people: but if this may bee, any thing shall bee right, that the Prince will undertake as an absolute head, holding his right from God without any relation to men, who as *Fortescue* out of St. *Augustine* said, were associated by the consent of Law, and Communion of utilitie and mutuall benefit. Heedlesse aswell as headlesse, if made such a choyce, as to be at any mans will. If the Militia may not be judged by the Parliament, why does his Majesty produce it for his Commission? If it bee his right, what needs hee require it by Parliament: and if all things that concerne Peace and Warre belong to such a Court, shall it prejudice the King to have it legally invested in him by a politique power? we deney not it is his inheritance, and is as an heire or possessour inherent in him, but all mens rights are by law, so must his, and the use of all things in their union performed by common consent. What is by Law is judged of by the Courts of Iustice, and so must the *Militia* be, though it be the right of the King, and the highest Court judgeth of all mens rights, and the right use of all they have, and nothing is to be judged by the King out of his Courts and therefore Rebellion in the *Militia* is not so, because men say it, but what is judicially said,

FINIS.